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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PEDRO RODRIGUEZ,

Petitioner,

vs.

WILLIAM GITTERE, WARDEN, et al.,

Respondents.

Case No. 3:23-cv-00031-MMD-CLB

**STIPULATION AND ORDER REGARDING
PETITIONER'S MOTION FOR
CONFIDENTIAL CONTACT LEGAL
VISITATION (ECF NO. 14)**

(DEATH PENALTY CASE)

The parties jointly submit this stipulation and order to resolve issues that Petitioner Rodriguez presented in his Motion for Confidential Contact Legal Visitation (ECF No. 14). Through this stipulation and order, the parties agree that Petitioner Rodriguez will voluntarily withdraw his Motion in exchange for Respondents ensuring certain accommodations for Petitioner's legal visitation, as discussed further herein.

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STIPULATION

Petitioner Pedro Rodriguez currently is under certain safety restrictions for his legal visitations based on his status as High Risk Potential. Rodriguez, through the Federal Public Defender, filed a Motion for Confidential Contact Legal Visitation to adjust or remove such restrictions. ECF No. 14.

The parties agree that Petitioner Rodriguez hereby voluntarily withdraw his Motion in exchange for Respondents' commitment that Mr. Rodriguez will be allowed the following accommodations for his legal visitation at Ely State Prison:

- Petitioner Rodriguez's legal visits will take place in the attorney room of the visiting area while no other offenders are present.
- Petitioner Rodriguez's hands will be free to pass, review, or sign documents.
- Petitioner Rodriguez's legal visits may take place from 15:00 hours to 17:00 hours, with the potential to extend the time to 20:00 hours, provided that his counsel give sufficient notice and that the Nevada Department of Corrections (NDOC) has available resources. One week's notice will generally be sufficient. NDOC will also normally allow two consecutive days of visitation extended to 20:00, absent times when NDOC is under emergency operations. For such consecutive days of visitation with extended hours, Petitioner's counsel will also need to reasonably cooperate with NDOC regarding calendaring.
- At least two fully equipped CERT or designated custody officers will maintain a direct presence in the visiting room, far enough away to ensure that they do not overhear any discussions.
- The attorney room door will be closed during visitation, and NDOC will maintain direct observation via the observation window.
- The Main Control Officer will observe the meeting via video; there is no audio capacity. Video is passively recorded but will not be archived unless an incident occurs.
- All other security precautions already in place for maximum custody inmates to be present in the visiting area must be followed.

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1 These arrangements will continue throughout the pendency of the federal habeas litigation, provided
2 that Mr. Rodriguez remains in custody as Ely State Prison under High Risk Potential status. However, if
3 Petitioner Rodriguez engages in future violent behavior, these protocols may be adjusted.
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5 DATED April 18, 2023.

6 RENE L. VALLARDES
7 Federal Public Defender

AARON D. FORD
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8 By: /s/ Kimberly Sharkey
9 Kimberly Sharkey (Georgia Bar No. 121471)
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ORDER

The parties have submitted a stipulation that Petitioner voluntarily withdraws his Motion for Confidential Contact Legal Visitation (ECF No. 14) in exchange for Respondents committing to certain accommodations for Petitioner's legal visits. Based on the stipulation:

IT IS ORDERED that Petitioner's Motion for Confidential Contact Legal Visitation is **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that Respondents shall permit legal visitations in accordance with the parties' stipulation.

DATED this 19th day of April, 2023

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE